2:Seligman & Seligman E-5 (1909-1910) 1932
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be that a married woman considers herself a member of her husband's family, but as a sign of respect addresses her husband's relatives in each case as though she belonged to a younger generation than she does in reality. A custom in vogue among the Shilluk may have some connection with this usage, i.e. widows other than the mother are taken as wives by a man's sons. Further, it is not considered disgraceful for young unmarried sons to sleep with their own father's wives. A young wife may thus see herself as the consort to two generations at once, and address her husband's sisters and parents by those terms that she would use if she were wife of the younger of the two successive mates. A woman still belongs to her own clan after marriage, so it seems strange that she should use the terms employed by her husband. In this connection it must be noted that in some districts husband and wife address one another as *umia* and *nyimia* before the birth of the first child, and that a man calls his wife's sister *nyimia*. This last anomaly may be due to some feeling that the wife is taken into the family of her husband, though no adoption ceremony was discovered. It should be noted that a man calls his wife's sister "sister"; he does not treat her with any ceremony, and if she visits her married sister the husband is not bound by any taboos, though he cannot have connection with her as he can with his *yura*. In certain circumstances (the death or barrenness of a wife) he may marry her.

Everywhere the "in-law" relationship is one that requires much tact, and the Shilluk, as is usual in savage society, show respect by means of ceremonial avoidance. While much emphasis is laid upon the avoidance of persons related by marriage, it should be noted that there is no avoidance between blood-relations—a man does not avoid his mother, sister, or daughter.

A Shilluk avoids all those whom he calls *ora*, of whom the first in importance is the wife's mother. In those parts of the Shilluk country that we visited, avoidance of the mother-in-law implied that a man must not enter her house, and care would be taken never to meet her face to face out of doors. If a man saw his mother-in-law he would take a different road and send a friend to greet her respectfully. We did not find avoidance carried to the length described by Hofmayr, who states that a man may not enter the village in which his mother-in-law dwells; one informant, however, told us that a man might not enter her village until the cows of the bride-wealth had been paid.

2:Seligman & Seligman E-5 (1909-1910) 1932
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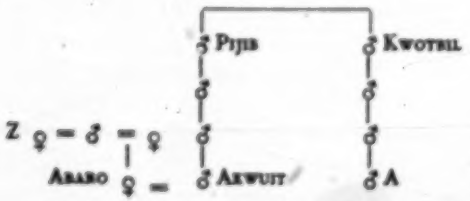
606 Among the late Dr. Rivers' notes is a case recorded at Goz Garri, north of the main Shilluk country, where—

> "not only was the village avoided, but the term mother-in-law had the most liberal interpretation I have ever known. The very wide extension of this taboo came out through a concrete case. I took a Shilluk to Goz Garri from Hillet Abbas. He was unmarried, and directly we landed he disappeared to the outskirts of the village and could not be persuaded to go into the village with me. The cause was the presence of the wife of the father of Abaro (not her actual mother), Abaro being the wife of Akwuit, whom the man called *uwa*. Akwuit was the great-grandson of Pijib, the half-brother of Kwotbil, the great-grandfather of the man, so that in our nomenclature a man has to avoid for life the stepmother of the wife of his third cousin. The reality of the avoidance was obvious, but I could not discover what would result if it were infringed, except a quarrel and the chance of a blow from the Shilluk club."




A called Akwuit *uwa* and avoided Z.

Although this behaviour seems so absurd to us, it is only the extreme application of the ceremonial etiquette due to the wife's mother. Its extension to the mother-in-law of the *uwa* will be apparent when rights of access and inheritance are considered. It is possible that the refusal to enter the village may have been due to this Shilluk exercising his rights of access and carrying on an intrigue with Abaro; it must be noticed that the man in question was not married. It seems improbable that a man would be obliged to avoid the villages of all the classificatory mothers-in-law of all his clansmen, as the restrictions of his movements would be intolerable, and it is possible that this case arose from special circumstances. But on stating this case to one of our informants at Fenikang, the wide significance of the conception of the wife's mother seemed quite correct to him. He said that all the wives of the "fathers", as well as all the actual mothers of all the wives of those men whom he called *uwa*, were *ora* to him and hence should be avoided. To him, however, this form of ceremonial behaviour did not necessitate the avoidance of the villages where these women lived. He volunteered the information that

587

2:Seligman & Seligman E-5 (1909-1910) 1932
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potentially he was heir to the wives of any of his *uwa*, but that should he try to claim the widow of one of his *uwa*, not having previously avoided her mother, the latter would make much trouble about it and try to prevent him from marrying her daughter. He might perhaps be able to settle the matter by killing a sheep and getting some old man to act as peacemaker. The wide rights of access that the Shilluk have to the wives of certain of their clansmen and the wide sense in which inheritance of a "brother's" wife may be interpreted is thus intimately connected with their liberal interpretation of avoidance.

Avoidance of certain other women would not prevent a man from entering the house and even eating there, so long as the woman absented herself and the man sat upon the bare ground. To sit upon a skin, which might be the woman's sleeping mat, would be an intolerable breach of etiquette, for such an act might be taken to imply the possibility of sexual relations.

The wife's *mia*, i.e. her father's brother's wife, is also treated as an *ora* and avoided, but in a modified manner. We were able to observe a good example of this form of behaviour. We were working on the small steamer Culex when an old woman joined the group of informants. Our informant, Fakwang, a young married man, went quietly away. We persuaded him to return and he sat on the other side of the funnel so that he could neither see nor be seen by this woman, who was his wife's *mia* and hence his *ora*. Had she been his wife's mother nothing would have induced him to remain; as it was, he said, there would very probably be bad talk among the women about it and he might be reproached that his wife's *mia* had seen his "nakedness".

The wife's brother's wife is called *ora* and treated with the respect due to a mother-in-law. How far she is regarded as a potential mother-in-law it would be difficult to say; there would be no objection to marrying her daughter if the first wife died childless, but it did not appear to be customary. When told that among another people (the Ba Thonga) if a wife died childless the widower might claim his wife's brother's wife, or take her daughter in her stead, the custom was approved, though foreign to the Shilluk usage.[1]

Avoidance may be relaxed somewhat a few years after marriage,

[1] Claiming the wife's brother's wife with the mother-in-law is common in the Sudan: we found no reason for this, but think that given by the Nuer to Professor Evans-Pritchard may probably hold for other tribes (see p. 219). Should the wife's mother die, then her status may be held by the wife's brother's wife.

2:Seligman & Seligman E-5 (1909-1910) 1932
FJ23 Shilluk FJ23



The *diek num* consists of any number of sheep, from seven upwards, and these are taken by the bride's brother (*umia*). If the bride has no full brother they are divided amongst her *uwa*, her father's brother's sons, and after them her *uwa* who are her clansmen. 583

The *jam num* consists of four hoes, two fish spears, four spears (two large and two small), a basketful of tobacco and a bundle of firewood. The *jam num* is kept by the parents and is not shared with other relatives.

In times of stress, as during the *mahdia* or when cattle have been scarce for any other reason, whole or part of the bride-wealth may be deferred. The debt is not, however, cancelled; the husband may frequently wait until he receives bride-wealth for a daughter of the marriage, when he will give the original number of cattle agreed for his wife to her father or his next of kin.

If a married woman dies without leaving a child, the husband demands back the cattle of the bride-wealth from the father. If his wife leaves him he will demand both the sheep and the hoes and spears; the tobacco and fish are gone, so he will not ask for them, but if he were very angry he might even do that, though such behaviour would generally be despised. Yangjok, a chief of Tonga, stated in court that if a woman leaves her husband all the bride-wealth should be returned except one bullock, but if the wife is pregnant when she leaves the husband one cow and one bull are kept by her people. 586 [626]

It seems that, on the whole, divorce is amicably arranged, as a man usually only seeks divorce if his wife has left him for another man, in which case the latter would have to hand over bride-wealth to her father, who would return the original bride-wealth to the first husband. If, however, there were another daughter of suitable age the husband might take her. If a man should try to return his wife because she was barren a more difficult situation would arise.[1] Such a case would probably be taken before the *reth* and judgment might be given that all except two cows should be returned. Probably before the case came up the husband would have tried to steal the cows from his father-in-law. 586 587 586

A case was recorded of a girl who was betrothed as a child to a man who contracted venereal disease. One cow of the bride-wealth 584

[1] Hofmayr states that before deciding that a woman is barren the husband would let her cohabit with one of his *uwa*, and the *ajuogo* would also be called in to administer medicine (*op. cit.*, 276). [842]

3:Westermann E-5 (1910) 1912 FJ23 Shilluk FJ23



INHERITANCE

The sons inherit the property of their father. The wives of the deceased father are divided among the children, who may, and in most cases do, marry them, except their own mother. It is said that sometimes, when a husband is very old and infirm, his wives put him to death, in order to get a younger companion. On inheritance vide page 113.

DANCING AND WAR-PLAYS

Their chief amusement is dancing. The houses of a village are built in a circle, leaving an open place in their midst. Here the inhabitants assemble in the evening, stretching themselves in the warm ashes or on a skin, or squatting on a piece of ambach; several small fires of cow dung are burning and spread a smoke of strong smell, which is the best protection from mosquito-stings. The events of the day are discussed here, the tobacco pipe and merisa pot going from hand to hand. In the middle of this open place the trunk of a large tree is erected, in which the drums are suspended. With them signals are given in times of danger, but more frequently they are used to accompany the dances of the young people. These public dances are among the greatest events in the lives of the young Shilluks; even old men and women, though not taking an active part, are highly interested in them; sitting before the huts in front of the dancers they constitute a chorus, who accompanies the transactions of the younger generation with loud acclamations or blamings. The dances generally take place during the dry season; they begin at about four o'clock in the afternoon, or, in case there is moonshine, later in the evening, and last from three to five hours or longer. As a rule one village invites its neighbours by a drum signal given in the early morning of the day fixed for a dance. On hearing this signal the young people show a great zeal in preparing their body, hairdress and the ornaments worn on the occasion. They go to the village in groups or single, men and girls separately. Usually the youths perform some war-dance in full arms at first, in which the girls do not partake; they form a large circle in four or two rows, and while the drum is being beaten, begin dancing and singing war songs. The dance consists in jumping on the toe and at the same time moving slowly forward. These rhythmical movements are from time to time interrupted by a group of dancers violently rushing out of the circle, howling and shouting aloud, brandishing their spears with fierce looks, and performing mock fights or playing pantomimes, in which they exhibit very remarkable ability. Scenes from the hunting, pastoral and agricultural life are represented with such a dramatic vivacity that they richly deserve the applause they earn.

On a given signal, spears, clubs and shields are laid aside and put together in one place, and now the second part, in which the girls partake, begins. The latter have till then been waiting in a separate place, where the female lookers-on are gathered. Each girl selects her own dancer. First the men form again a

when a man dies, and he has children, his property is taken by the eldest



*539 428 578 593 626 son; the younger son (or sons) remains without anything. All the cattle too are taken by the eldest son; and if the eldest son is good, he divides the cattle between himself and his brothers, but if he is bad, he keeps all the cattle for himself. In this case hey fight, and the cattle is taken away (by force) by the younger brother (or brothers). But then all the people come, and they talk about the matter, and they say (to the younger brothers) thus: "Why, your elder brother, he refused to give you cattle, and now *you* want to keep it all? What for? If later on any debts (which your father may have contracted or which may fall on you) appear, you being his sole heir, will have to pay all; so the people divide the cattle; the elder brother gets his part, and the younger one gets his part. After that they again hold a big palaver, and they make friends; water is poured on the ground, and so they are reconciled. The eldest son gets many cows (or property), because he is the chief of the family, the younger one does not get so much. And if afterwards any debts are to be paid, the elder one will pay them, the younger remaining free. The younger brother marries a wife with his cattle; that is all, thus the matter is settled.

*539 ● 587 768 611 The wives of the dead man are treated (done with) thus: the elder brother of the dead man comes and takes one, and the younger brother also comes and takes one.[1] And if they beget children from these wives, they belong to the family of the dead man; they are (like) his (own) children (they live in the house of the eldest brother.) The eldest wife of the deceased, the mother of the children, remains with the eldest brother. — So is it exactly.

## 18. Murder.

*539 *Dâŋ lépè, ywódé, ɛ bíɛ̀ wòk, ka kɛ̀l, ka chíkì kèlò, ka nan ɛni e ɾɛ́nò, ka biɛ bɛ kwóp: yá nɛka ɟâŋ a war! Ká bûl gɔ́ch, ka tɛ̄rɔ biɛ wòk, ka tyɛ̀n a man kɛte bɛ yɛ́ké jam, gɛ kân. Ka tyɛ̀kɛ̀ bɛ̄nɔ, leń riɛ; ka fach yâk, gyɛn mâk, ka byɛl kɛ̀l. Ka tɛ̄rɔ bɛ̄nɔ, ɟɔk a kɛ̀l fōte Jaṅ. Ka ńi y ɟɔk leńe riɛ, ká ɟɔ̀k dùòk. Ka ɟɔk aryau gɔ́ń yi jāgɔ, ka mūje riɛ, ka riɛ e wɛ̂rò, ká è kò: kɛ́t, chôl! Ka tɛ̄rɔ chùdɔ̀, ka mɛn e kānɔ ɟeaṅ, ka mɛn e kānɔ ɟeaṅ, ka ɟɔk e tûmò, ga pyārɔ. Ka chwɔk wûr, ka e bɛ̄nɔ, ka biɛ yi jāgɔ, kine: kwɔ́p bɛ̀dà dì? Kine: kwɔf á ɟùm. Ka ɟɔk kɛ̀l, ka gɛ tyɛ̄r, ka gɛ mūjɔ ki ɟyɛk, mɔk kwache tyɛn riɛ. Ka tyɛn riɛ yiɛ́ńò, kine: ɟāŋ rach! Ka nɛ̂kɛ̀ ki ɟeaṅ mɛ̄kɔ, ka ɟɔk kɛ̀l, ka tyɛn riɛ e bɛ̄nɔ, kɛta Fashōdɔ ki tyɛn ɟāŋ, tyɛn ɟāŋɔ fōte ɟɔk abich. Ka riɛ kɛ̀lɔ ɟɔk abich, wat akyɛl ywɔk ńál ɛ́ní.*

*539 682 A man hides in an ambush; when he perceives his adversary, he comes out and stabs him, and he stabs him a second time. Then this man (the murderer) runs away home, and comes to tell the people of his village: "I have killed a man last night." Then the drum is beaten, the people come out from their houses, and

[1] The sons marry their father's wives, but not their own mother.

583 and by the girl's *gol*. Payment of cattle may extend over many years and, until these payments are completed, the girl lives with her parents and her husband has to visit her there.

The bridewealth cattle go to the girl's *gol* leader, who is either her father, brother or paternal uncle. Pumphrey states that the maternal uncle only receives cattle if there are any arrears outstanding from the marriage of his sister, the girl's mother. Seligman quotes an instance in which 17 cattle were paid by a Dinka and of them 10 went directly to the girl's mother's family.

*Marriage Ceremonies*

584 If a girl receives a proposal of marriage from a suitor and accepts
585 him, the first step is to obtain the consent of the girl's *gol*. The acceptance of a sheep - the *dyel dhok* - by the girl's parents signifies that they consent to the engagement. According to Pumphrey, the marriage is regarded as valid and binding as soon as this has taken place, and children born to the couple are legitimate even if the cattle payments have not been completed.(1)

A beer-brewing and wedding dance at the bride's village follow and serve to publicise the marriage and express public approval and recognition. After the dance a long period may elapse during which the bridewealth is gradually paid off while the wife lives with her parents. The final ceremony, the *nogho thiek*, marks the separation of the wife from her parents' home and only takes place when all the bridewealth has been paid, or at least the major part of it. Sometimes a mock battle takes place in which the bride is symbolically seized by the groom's party.

There is no set order for the various stages in completing a marriage, for there are often complications, such as seduction or the inability of
[684] the man to pay the cattle and so forth. In cases of seduction the seduction fine has to be paid first and then the full bridewealth.

*Divorce*

586 If a wife refuses to live with her husband her parents have to return the bridewealth. Deductions are made for the children born of the union at the rate of two head of cattle for every son and five for each daughter. Similarly, if a woman marries another man, before the first suitor has paid all the bridewealth, the cattle which have been paid are given back, subject to the deductions for any children born, because, once the sheep has been accepted, any children of the union belong legally to their father.

587 If the wife dies her *gol* must either substitute an unmarried sister or give back the bridewealth, making deductions for children.

*Sexual Offences*

684 Fines for adultery are paid to the woman's husband. The amount varies,

(1) Pumphrey, *S.N.R.* Vol.XXIV, 1941, p.26.

but the usual fine for making another man's wife pregnant consists of three cows and one bull; if pregnancy does not result the fine is two head of cattle. Fines for seduction are paid to the girl's father and vary from one to three head of cattle according to whether or not the girl is made pregnant. If a woman has committed adultery, she confesses it at the time of childbirth; her husband then exacts the appropriate fines from the men concerned.

If children have been born outside marriage the eventual husband may take them over and will pay extra bridewealth cattle. Failing this, they are brought up in the *gol* of their maternal uncle and belong to his clan. He will receive the bridewealth paid on the marriage of the girls.(1)

*Widow Inheritance*

According to Westermann widows are inherited by the brothers of the dead husband or by his sons, who take the wives who are not their own mothers. He then adds that, if children are begotten from these wives, they belong to the family of the dead man and "they are like his own children."(2) This custom of raising up seed to the name of the dead man is general among the Nilotic tribal groups.

## KINSHIP AND KINSHIP TERMINOLOGY

*Ora*

The in-law relationship of *ora* has been commented on by Seligman and Pumphrey. It appears to have two particular applications, being used in a narrow and in a wider sense.

A man describes as *ora* all his wife's kinsmen and, strictly, all the kinsmen of the wives of the men of his own generation belonging to his own clan. This extension may be because he is allowed, at any rate in theory, to have access to the wives of such clansmen and temporarily takes over the in-law relationship with their parents. During the first years of marriage the members of the husband's *gol* have to respect and to avoid the members of the wife's *gol*. Pumphrey suggests that the basic reason for this is that the initial period of marriage is an unstable one and friction is gradually resolved as the bridewealth is paid off and children are born. To avoid friction the husband does not speak to his *ora* and meets them as little as possible.

In a wider sense the *ora* tie is connected with certain sex taboos. The breach of these taboos is believed to cause *dwolo* sickness, a form of illness believed to affect both mother and child who will die unless the man who induced the mother to break the taboo will split a gourd in two and sacrifice a sheep.(3) There are certain *ora* relationships between lineages and one lineage will be *ora* to another. Thus, if men of lineage A have married women of lineage B, C and D, there are *ora* relationships between A and B; A and C; A and D. In such a case no men of lineages B, C and D

(1) Pumphrey, *S.N.R.* 1941, Vol.XXIV, pp.34-5.
(2) Westermann, *The Shilluk People*, 1912, p.114.
(3) Pumphrey, *S.N.R.* 1941, Vol.XXIV, p.29.

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23



(*circa* 1915) Nyayei bore no children and ran away with another man. All the cattle have been returned since then, but not the sheep and the goats nor the grain. Adwok then claimed one bull in place of the grain. The Court in the final instance decided against Adwok on the grounds that no cattle as *kwor kwob* (*kirc mac*) had been retained by Otong and the sheep, goats, grain and cash must be held to represent them.

*Dissolution of Marriage owing to the Death of the Wife*

This is known as *tay jwok*.[1] Pumphrey says:

> Where a marriage is terminated by the death of the wife, her *gol* must either present to the husband an unmarried sister known as *kai ot*, or they must return the cattle (or their equivalent in similar animals), making deductions for the children born of the marriage and living at the time of their mother's death.[2]

This statement requires qualification:

(*a*) If the wife dies soon after marriage and without issue, all cattle should be returned to the husband or, in some cases, another girl from her family might be given to replace her. The Shilluk refer to this as *kai ot*, which, as Pumphrey states, means literally 'substitute of the house'.

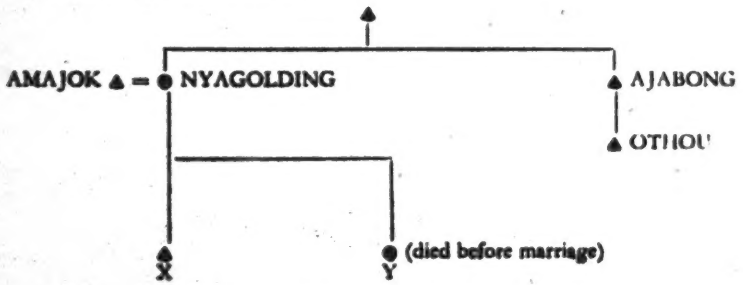
(*b*) If the wife dies a long time after marriage and after giving birth to children, thereby fulfilling her procreative obligations to her husband, *kai ot* may still be claimed, but is recognized as being only two head of cattle. *Kai ot* in this sense is intended to assist the husband to marry again, but it is often claimed, not by the husband, but by the wife's male children many years after her death. In fact, it frequently happens that a man claims *kai ot* on the death of his mother or of his father's wives. It is also a subject of frequent litigation in the Courts.

(*c*) If the wife dies in childbirth, the child dies too, and she leaves no other children, then all cattle should be returned with the exception of two known as *dhok wic dan* or *dhok remo*. *Dhok wic dan* means literally 'cattle in the place of children' while *dhok remo* means 'cattle of blood'.

It should be noted that the deduction known as *kwor kwob* would not be claimed in addition to *dhok remo*, and only applies if no children are born to the wife.

The following disputes settled before the Court provide examples:

Amajok *wad* Deng *v.* Othou *wad* Ajabong




[1] *Jwok* means God: hence dissolution by act of God.
[2] Pumphrey, op. cit., p. 32.

69 Amajok married Nyagolding for ten head of cattle and ten sheep. Nyagolding gave birth
586 to two children who died as adults, while she herself died some twenty-eight years ago. No cattle were returned to Amajok on her death and no claim was made so long as *X* and *Y* were living. Amajok now claims *kai ot* from Othou. This claim was upheld by the Court and two head of cattle awarded to Amajok. It is, as a matter of fact, unlikely that Amajok would have claimed *kai ot* if his daughter *Y* had lived and married, though *X* might have done so.

Anger *wad* Nyang *v.* Kanker *wad* Ming

[583] Anger married Kanker's sister, Aciethgwok, for eight head of cattle and five sheep. This was in *reth* Fadiet's time (*circa* 1909). Aciethgwok died in childbirth leaving no other children. Kanker returned six cattle and all the sheep. Anger (in 1949) then claimed the return of the remaining cattle. This claim, made some forty years after the event, was regarded by the Court as a frivolous one. It was held that the two head of cattle stood as *dhok romo*, to which Kanker had undisputable right.

586 *Kai ot* therefore has various meanings, the most precise being another daughter of
587 the dead wife's house handed over by her family as a 'substitute'. The custom is not
[613] confined to the husband as an individual, but applies to his kinship group, for Shilluk say that a girl might be handed over as *kai ot* even in a later generation, if no bridewealth had been returned in the interim. Again, if the wife died after fulfilling her procreative obligations, her family might allow the widower to marry her sister at a reduced bridewealth (eight head of cattle instead of ten). This, however, is really only an application of the general rule that *kai ot* (here meaning a payment of cattle) can be claimed by a man from his maternal uncle when his mother dies, provided she dies
[591] at a ripe old age and has borne several children. In this sense *kai ot* does not depend on the termination of the union, but is rather confirmation thereof and is not paid unless the two lineages wish to maintain the close relationship which marriage in a previous generation has secured. This claim is now nearly always upheld in the Courts
[198] and provides an example of how a payment depending on a variety of circumstances has become enforceable at law.

*Further Rules Concerning Cattle Returnable on Divorce*

586 Shilluk sometimes say that in the old days on divorce all the original bridewealth cattle and all their offspring were returned. There is little evidence for this statement and the rule is certainly not applied today. The wife's kinsmen are not expected to return any cattle which have died in their possession, though they may be expected to produce the hides as evidence of death. On the other hand, cattle which have been sold for cash, slaughtered for meat, or paid in execution of debts (other than direct marriage) or as compensation for wrongs committed, must be replaced by substitutes.

Writing on this subject in 1935, Pumphrey says:

583 Cattle paid as marriage payments in Shilluk country are an exact substitute for cash in that
586 they are treated as negotiable instruments. A claim for the identical cows when, owing to divorce or death, the marriage payment is reclaimed, is never supported. Cattle paid are in fact usually negotiated immediately, just as cash. The recipient will almost invariably pay the cattle away either in satisfaction of his debts or else in the marriage of one of his near male relatives.[1]

[1] Pumphrey: from unpublished records.

17: Pumphrey G-5 (1934-1938) 1941
FJ23 Shilluk FJ23



there develops a tendency for *pac* A (to refer again to the diagram above) to marry women of *pac* X. Men of *pac* A will therefore have ready access to the unmarried girls of *pac* X, as, similarly, will men of *pac* X have ready access to the unmarried girls of their *pa ora*, P. Now if a man of *pac* A seduces a girl of *pac* P it naturally annoys the men of *pac* X who regard *pac* P girls as in some sense their prerogative.

*Dwalo* is thus a good example of a religious sanction harnessed to the service of social expediency. Without doubt, although no Shilluk volunteered the explanation, the *dwalo* taboo has developed from the consciousness that seduction must be rigorously discouraged where it would imperil good relations between *ora*.

DIVORCE.

The verb *tang* is used for the breaking of a marriage, whether owing to the death of the wife or to her refusal to live with her husband. Cases where the wife dies are naturally less acrimonious than those of the other kind and will be considered first.

Where a marriage is terminated by the death of the wife, her *gol* must either present to the husband an unmarried sister as *kai ot*,[38] or they must return the cattle (or their equivalent in similar animals) making deductions for children born of the marriage and living at the time of their mother's death. These deductions are generally at the rate of two head for each son and five for each daughter, the children of course going to their father. Thus a husband who has paid the full bride wealth of ten head and has a son and a daughter alive and born of the marriage can reclaim only three head of cattle.

Cases resulting from the refusal of the wife to cohabit with her husband may be more properly described as cases of divorce. Divorce in this sense results not from any act of the parties but from a state of affairs judicially recognised as warranting the return to the husband of the bride wealth, with or without suitable deductions for children born. Deductions are usually made, but if it is held that the behaviour of the wife has been particularly blame-worthy the husband is sometimes

38. Literally "substitute of the house."

29:Dempsey M-5 (1940-1954) 1955
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586 she would be ignominiously bundled off home. The husband, like an indignant customer who has made an unsatisfactory purchase, would demand his dowry back. The girl's
[578] family would strenuously resist the claim and a long and acrimonious dispute would follow. The husband might
[692] attempt to recover his cattle by force, and eventually the case would be settled by the Reth's court; a compromise would be reached, judgment would be given for the plaintiff, but one or two cows would remain with the girl's family, and so would the unfortunate girl herself. Similarly, should the young bride die childless, the contract is deemed not to have been fulfilled, and the husband will demand that the bride wealth be returned to him. If the lady, faithless jade, should leave her lawful spouse for another man, the outraged husband does not leap up in righteous anger, seize his spear, pursue the erring couple and demand satisfaction of the seducer of his wife's affections, but he does make a bee-line for his father-in-law's kraal, and in the height of his wrath will demand not only the cattle, but also the sheep, spears and hoes and all the other little trinkets and knick-knacks with which he won the family's good graces during time of courtship. Father, anxious to keep the peace and the cattle,
● [587] may offer his irate son-in-law another charming daughter, if he has one handy, as a substitute for the fickle one. But if such a useful article as a second daughter of marriageable age is lacking, or the husband, feeling that his matrimonial adventures in that particular family have gone far enough, should refuse the hand of the second lady, then father with a sigh will have to set about the difficult task of making his reluctant relatives give up their respective shares of the dowry and, at the same time, the equally difficult task of getting another dowry from his new son-in-law.

797 In Detwok a boy was being examined in the Catechism
58 prior to his baptism. The subject under discussion was the Sacraments and their division into those which may be received only once and those which may be repeated. All went well until the subject of Matrimony was reached. 'How often can a person receive the Sacrament of Matri-

29:Dempsey M-5 (1940-1954) 1955
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mony?' asked the priest. 'Once,' promptly answered the catechumen, and then cautiously amended his answer, 'perhaps twice.' 'Oh,' said the Father, 'why only twice?' 'If a man marries and his wife dies, he can marry again, can't he?' 'Ye-es,' conceded the boy, 'he can marry again.' 'And if that second wife dies,' continued the Father, 'can't he marry a third time?' 'No,' said the boy. 'Why not?' 'Because he has no cows left' was the triumphant and conclusive reply. And that fairly well sums up the Shilluk's attitude towards matrimony. In common with the rest of his African brethren he is by inclination polygamous. In Africa nothing adds more to one's prestige than a multiplicity of wives. Fortunately, however, from our—the Catholic missionaries'—standpoint the tribe as a whole is of necessity monogamous. Except in the case of wealthy chiefs or fathers who rejoice in a quiverful of daughters to bring cattle into the family byre and no sons to take them out, the people generally are too poor to be able to scrape together the necessary cattle to provide for a second wife.

When a man dies his wife is not thereby released from her matrimonial obligations and free either to re-marry or to remain a widow. She is, as has been said, something that has been bought and paid for, part of the dead man's property, and is inherited together with the rest of his effects. If she is not the mother of the deceased's eldest son he will claim her, or if she is his mother or there is no son, or none old enough to marry, she will be taken by her brother-in-law or some other member of her husband's family. She belongs to that family and must remain in it to fulfil her duties as a wife and a mother to some member of it. If it so happened that there were no relative, no matter how remote, of her husband who could inherit her, then she might marry again outside it, but only on condition that a dowry is forthcoming to compensate her husband's family.

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A death among the Shilluk is the signal for an outburst of wailing on the part of the women. It is a high, shrill, screaming